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PATENT  
Customer No. 58,982  
Attorney Docket No. 08350.1488-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Douglas C. MEYER	)	Group Art Unit: 3693
	)	
Application No.: 10/027,032	)	Examiner: Jason M. Borlinghaus
	)	
Filed: December 20, 2001	)	
	)	
For: METHOD OF MANAGING	)	Confirmation No.: 2259
INVENTORY	)	

**Attention: Mail Stop Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY BRIEF**

Pursuant to 37 CFR § 41.41(a)(1), Appellant presents this Reply Brief in response to the Examiner's Answer mailed August 13, 2007, the period for reply to which extends through October 15, 2007 (October 13, 2007 being a Saturday).

**REMARKS**

On page ten (10) of the Examiner's Answer, the Examiner asserts that an inventory management mechanism to determine whether additional units are required to replenish an inventory, and requesting the production or retrieval from consignment inventory such required units, is a change to inventory practices. The change being the request for a new inventory replenishment action such as production or retrieval of required units for inventory.

Examiner's Answer at 10. Appellant respectfully disagrees.

Brockman does not disclose or suggest “a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by claim 1 (emphasis added). Rather, Brockman discloses that “[i]f a shortage in inventory exists (i.e. an actual inventory value is less than the model inventory value determined by the inventory model determination unit 305), a demand signal is sent to the production/inventory management unit 320.” Brockman, col. 2, ll. 27-31. Brockman further discloses that, “[i]n response to the demand signal, the production inventory management unit 320 determines whether the products must be produced or picked from consignment inventory.” Brockman, col. 2, ll. 31-34. That is, Brockman discloses a mechanism to obtain units to replenish an inventory if the inventory has a shortage. Brockman's “current inventory process” is to determine a model inventory value and then supply that value. Thus, the portion of Brockman to which the Examiner refers is not a change but rather practicing of the current inventory process.

The Examiner suggests that the “broadest definition of the term was applied.” Examiner's Answer at 10. However, no matter how broad a definition the Examiner applies, Brockman does not disclose or suggest “a method of improving records of inventory at a facility,” including “establishing a plan to correct the at least one discrepancy in response to said comparison, the plan including a change to current inventory practices including one or more of adding an inventory process, modifying an inventory process, or deleting an inventory process,” as required by claim 1 (emphasis added). Brockman discloses practicing of the current inventory process, which includes

supplying the determined model inventory value, and does not disclose a change to current inventory practices.

**Conclusion**

For the reasons given above, and those reasons provided in Appellant's Appeal Brief, Appellant respectfully submits that the rejections of claims 1, 3-11, 32-37, and 39-52 are in error and should be reversed.

To expedite prosecution, Appellant is open to discuss the foregoing with the Examiner at any time. Appellant thus invites the Examiner to call the undersigned at the Examiner's convenience to discuss the application.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 15, 2007

By: 

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